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10/757,663	01/13/2004	James O. Kelley	sf 53.2-3	4458

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EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 11/6/2006.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by USP 3,338,648 to Bannister.

Bannister discloses a modular furniture system comprising a plurality of individual furniture elements that are releasably connected together to form an integral furniture assembly, the furniture elements comprising at least one generally horizontal work surface 52 having ends, a front and a back, the system further comprising other furniture elements that are attachable to the ends of the work surface to support the work surface at a desired working elevation above a supporting floor surface, each end of the work surface being supported on one of a free standing cabinet 24 and a floor engaging support panel 29, the support panel 29 having a predetermined panel thickness, the work surface 52 having a top panel that extends to an outer edge at each end of the work surface, the work surface having a downwardly extending mounting flange 54 on an underside of the work surface adjacent each end, the mounting flange 54 being positioned parallel to the outer edge of the top panel and spaced inwardly

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therefrom, such that when the support panel 29 is fitted under the top panel 52 and against the mounting flange 54, the outer edge of the top panel 52 extends over a top edge of the support panel 29, the support panel 29 being attached to the work surface by releasable fasteners 58 that extend through mating openings in the mounting flange and support panel, the free standing cabinet 24 that is attached to the work surface having a flat end panel (such as shown in Fig 3), with a top that extends over the end panel to a side edge that is generally flush with an outer surface of the end panel, the cabinet 24 being attachable to the work surface 52 by releasable fasteners 58 that extend through mating openings in the cabinet end panel and the mounting flange on the underside of the work surface, with a spacer 28 extending between the work surface mounting flange and the end panel of an adjacent cabinet so as to maintain the space therebetween; wherein the spacer comprises a panel that fits between the mounting flange and the end panel, the spacer includes openings therethrough that mate with the openings in the mounting flange, with the releasable fasteners extending through the mating openings in the mounting flange, the spacer, and the end panel.

Response to Arguments

4. Applicant's arguments filed 11/6/2006 have been fully considered but they are not persuasive. In response to applicant's argument on page 1 that Bannister "having only one configuration", the examiner takes the position that Bannister clearly discloses and Figures 1-3 clearly show a first configuration, while Figure 4 shows a different configuration, thus Bannister discloses more than one configuration.

5. In response to applicant's argument on page 2 that Bannister fails to show a top extending over the edge of a side support panel as claimed, and a spacer as claimed, the examiner takes the position that the claimed language fails to provide adequate structural limitations to the claims in order to distinguish applicant's invention from Bannister.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
May 22, 2007

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SUPERVISORY PATENT EXAMINER
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